

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**CHERMIN LEE; AND LAMARCUS
BELL;**

Plaintiffs,

V.

JODY VENTIMIGLIA A/K/A JODY VENTIMIGLIA, III; CATAWBA RENTAL COMPANY, INCORPORATED; CABLE TRANSPORT, INC.; AND COMMSCOPE INC.;

Defendants.

CIVIL ACTION NO. _____

**DEFENDANTS JODY VENTIMIGLIA A/K/A JODY VENTIMIGLIA, III, CABLE
TRANSPORT, INC.; AND COMMSCOPE INC.'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendants Jody Ventimiglia A/K/A Jody Ventimiglia, III, Cable Transport, Inc., And CommScope Inc. (“Defendants”) file this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the Court the following:

I. FACTUAL BACKGROUND

1.1 On or about February 25, 2021, Plaintiffs filed Plaintiffs’ Original Petition (the “Petition”) in the matter styled *Chermin Lee and Lamarcus Bell v. Jody Ventimiglia A/K/A Jody Ventimiglia, III; Catawba Rental Company, Incorporated; Cable Transport, Inc.; and CommScope Inc.* Cause No. DC-21-02480, pending in the 68th Judicial District Court of Dallas County, Texas, in which Plaintiffs made a claim for personal injury motor vehicle damages.

1.2 Plaintiffs served Defendant with Plaintiffs' Original Petition and a citation on March 4, 2021.

1.3 Simultaneously with the filing of this Notice of Removal, Defendants submit the following:

<u>Exhibit</u>	<u>Date</u>	<u>Document</u>
A	---	Index of State Court Documents
B	---	Docket Sheet/Case Information
B-1	02/25/2021	Plaintiffs' Original Petition
B-2	02/25/2021	Citation – Jody Ventimiglia
B-3	02/25/2021	Citation – Catawba Rental Company, Inc.
B-4	02/25/2021	Citation – Cable Transport, Inc.
B-5	02/25/2021	Citation – Commscope, Inc.
B-6	03/19/2021	Return of Service on Defendant Cable Transport, Inc. (03/04/2021)
B-7	03/23/2021	Return of Service on Defendant Commscope, Inc. (03/09/2021)
B-8	03/24/2021	Return of Service on Defendant Jody Ventimiglia (03/16/2021)
B-9	03/26/2021	Return of Service on Defendant Catawba Rental Company, Inc.(03/15/2021)
B-10	03/26/2021	Defendants Jody Ventimiglia aka Jody Ventimiglia, III, Cable Transport, Inc., and Commscope, Inc.'s Original Answer, Jury Demand, and Request for Disclosure

II.

BASIS FOR REMOVAL

A. Authority for Removal

2.1 Defendants file this Notice of Removal based upon diversity of citizenship pursuant to 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

B. Diversity of Citizenship

2.2 Plaintiffs are and were at the time they filed this lawsuit, citizens of the State of Texas. *See* Exhibit B, ¶¶ 4, 5.

2.3 Defendant Jody Ventimiglia a/k/a Jody Ventimiglia, III is an individual resident of North Carolina, and is therefore a citizen of the State of North Carolina. *See* Exhibit B, ¶ 6.

2.4 Defendant Catawba Rental Company, Incorporated is a North Carolina corporation, and is therefore a citizen of the State of North Carolina. *See* Exhibit B, ¶ 7.

2.5 Defendant Cable Transport, Inc. is a North Carolina corporation, and is therefore a citizen of the State of North Carolina. *See* Exhibit B, ¶ 8.

2.6 Defendant CommScope, Inc. is a Delaware corporation, and is therefore a citizen of the State of Delaware. *See* Exhibit B, ¶ 9.

2.7 Therefore, there is diversity of citizenship between Plaintiffs and Defendants.

C. Amount in Controversy

2.8 In order to satisfy diversity jurisdiction, 28 U.S.C. § 1332(a)(1) requires the amount in controversy of the matter to exceed \$75,000.00. Plaintiffs allege damages in excess of \$1,000,000.00. *See* Exhibit B, ¶ 2.

2.9 Therefore, the amount in controversy in this case exceeds the jurisdictional requirements.

III.

PROCEDURAL REQUIREMENTS

3.1 Plaintiffs served the Petition and citation to Defendant Cable Transport, Inc. on March 4, 2021.

3.2 This notice of removal is filed within the 30-day time period required by 28 U.S.C. § 1446(b) and within one year of the commencement of this action. *See id.* Therefore, this Notice of Removal is timely.

3.3 Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiffs' claims allegedly occurred in this District and Division.

3.4 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice of Removal.

3.5 Pursuant to 28 U.S.C. §1446(d), promptly after Defendants file this Notice of Removal, written notice of the filing will be given to Plaintiffs, the adverse parties.

3.6 Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of the Dallas County District Court, promptly after Defendants file this Notice.

IV.

CONCLUSION

4.1 Based upon the foregoing, the exhibits submitted in support of this Notice of Removal, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendants hereby remove this case to this Court for trial and determination.

Respectfully Submitted,

/s/ David McFarland

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COMMSCOPE INC.**

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2021, I served the following document on all counsel of record via electronic notice and/or facsimile:

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